

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.26429 of 2011

Harbindar Singh Deengra

....

Petitioner

Mr. Prahlad Kar, Advocate

-versus-

Arun Ku.Singh & Ors.

....

Opposite Parties

Mr. N.K.Sahoo, Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE R. K. PATTANAİK**

ORDER

11.07.2022

Order No.

07.

1. The Petitioner admittedly is a sub lessee under Opposite Party No.1 who was granted a licence by SAIL, Rourkela to run a canteen in its factory premises. Clause (viii) of the Conditions of licence specifically prohibited the licensee from transferring the licence or part with possession of the premises or any part thereof in any form or sublet the premises 'without the written permission of the Licensor'. Despite the above Clause (viii), without permission of SAIL i.e. the Licensor, the Opposite Party No.1 sublet the premises in question to the present Petitioner.

2. The Petitioner has filed this petition for a direction to SAIL to issue a licence in his favour in respect of the aforementioned canteen. While directing notice to issue in the present petition on 29th September, 2011 this Court permitted the Petitioner to continue as such. For the last nearly 11 years, the Petitioner has been continuing to run Canteen No.1 in SAIL's factory premises.

3. Counsel for the Petitioner is unable to explain how, in law, the Court can possibly issue a mandamus to the Opposite Party SAIL to grant him a licence in respect of the canteen when such transfer to him of the licence by the original licensee and being put in possession of the canteen premises was in clear violation of the conditions of licence.

4. There is no merit in the present petition and it is dismissed as such. The interim order stands vacated.



(Dr. S. Muralidhar)
Chief Justice

(R.K.Pattanaik)
Judge

kabita